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SUBJECT: TIP - SWITZERLAND: ANNUAL ANTI-TRAFFICKING IN
PERSONS REPORT

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[I](#)I. SUMMARY OF NEW DEVELOPMENTS

Switzerland continued to make appreciable progress in its anti-trafficking-in-persons practices, investigating and prosecuting TIP cases vigorously. In 2007, federal and cantonal (state) police led at least 28 investigations on trafficking or trafficking-related offenses. With regard to prosecutions, provisional data for 2007 show that Swiss courts made at least 12 convictions for trafficking or trafficking-related offenses. To improve the statistics on investigations and prosecutions and to gather national data, the National Conference of the Cantonal Justice Ministers decided in 2006 to harmonize cantonal recording practices and gather national policing statistics by 2010. In the meantime, the Human Trafficking/Migrant Smuggling Investigative Unit of the Federal Criminal Police has begun to keep records of ongoing investigations and prosecutions, which the cantons (states) report voluntarily. The government cooperated with other governments in the investigation and prosecution of trafficking and trafficking-related offenses.

On the legal front, a new article in the Penal Code that defines human trafficking more comprehensively entered into force on December 1, 2006. Under the new article, anyone acting as the supplier, broker, or buyer in the trafficking of human beings for the purposes of sexual exploitation, labor exploitation, or to remove a body organ is liable to imprisonment. The act of recruiting an individual for the purposes aforementioned also qualifies as trafficking and is liable to the same punishment. On January 1, 2007, an amendment of the Penal Code entered into force that makes certain criminal infractions subject to universal prosecution. Human trafficking, forced prostitution of minors, and child sexual abuse can thus be prosecuted in Switzerland regardless of where the crime was committed.

In April 2007, the Swiss Police Academy held the first five-day training class in combating human trafficking for cantonal police and immigration officials and border guards, which was repeated in October to accommodate high demand. (Police officers are trained at the cantonal level and the Swiss police academy serves as a national institute for cantonal police officers to undergo periodic specialized training). The same class will be offered to French-speaking law enforcement and immigration officials during 2008. At the operational level, the National Conference of the Cantonal Chiefs of Police has established a working group on trafficking in persons and migrant smuggling that began operations in the summer of 2007. The working group, which convenes 1-2 times per year, is tasked with establishing standardized investigation procedures and fostering cooperation and exchange of specialized know-how.

Protection: The government enacted new protective measures for TIP victims. The number of TIP victims receiving counseling services from professional assistance centers for victims of crime rose from 63 in 2005 to 80 in 2006. In 2007, cantonal immigration authorities offered 33 trafficking victims 30-day stays of deportation proceedings designed to offer them a period of contemplation and recovery. Six trafficking victims were offered short-term residency permits for the duration of legal/court proceedings against their traffickers, and four victims were granted long-term residency permits on grounds of personal hardship after the end of court proceedings. The Zurich-based anti-TIP NGO FIZ also counseled more TIP victims in 2007 than the year before and continued to receive public money for its TIP-victim assistance services.

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Efforts to improve the legal protections of TIP victims continued. On January 1, 2008, the new Federal Law on Foreigners entered into force. The new law formalizes the process of granting TIP victims a stay of deportation proceedings to recover from their trauma and weigh participation in judicial proceedings. The new law strengthens the legal status of TIP victims and witnesses, explicitly authorizing the government to waive normal immigration requirements and grant temporary or permanent residency permits for victims and witnesses of human trafficking. The law further allows the federal government to logistically and financially assist trafficking victims and witnesses, for whom a return is acceptable, in the re-integration in their countries of origin. In March 2007, Parliament adopted the revision of the Federal Victims Assistance Law that enhances crime victims' right to emergency protections and allows cantons to pool resources to establish regional victim assistance centers specializing in certain types of crime (e.g. TIP). In October 2007, Parliament adopted a new federal code of criminal trial proceedings that is to replace the 26 existing cantonal codes and strengthen witness protection measures in court trial proceedings.

Existing cantonal cooperation projects ("roundtables") to formalize referral procedures in TIP cases between immigration, police, and justice authorities and victim assistance bodies continued: following the example of Zurich, the canton which pioneered these efforts, four more cantons had formalized such a referral process in written memoranda of understanding by the end of 2006. Two more cantons adopted written referral agreements during the reporting period and efforts to establish a formal referral process continued or were newly begun in another three. The total number of cantonal roundtables that have either adopted a referral agreement or are in the process of doing so has risen to ten. As a direct result of the regulation to stay deportation proceedings and the better cooperation between NGOs and law

enforcement officials, the number of TIP victims willing to testify against their traffickers has risen considerably; FIZ reports that during 2006 almost 50 percent of victims being counseled testified against their traffickers, compared to fewer than ten percent a few years ago.

Prevention: The government also expanded its prevention efforts. Swiss embassies and consulates have increased their scrutiny of visa applications for nightclub performers, with a view toward ensuring that applicants receive valid contracts, are completely aware of their future conditions, and are informed how to seek help once in Switzerland. The Federal Office for Migration also issued new regulations on official monitoring of the working conditions of cabaret dancers and the contractual obligations of the nightclub owners. Swiss government agencies continued to fund several prevention and protection programs abroad, valued annually at over US\$ 1.5 million.

In view of the upcoming European Soccer Cup, the government has appropriated \$96,000 to kick-start public awareness campaigns. The goal of the campaign is to raise awareness among the visitors of the EURO 08 and the general public of the extent and the consequences of women trafficking. The campaign will also target the customers of commercial sexual services, calling on them to help potential victims of trafficking get access to aid organizations. In February 2008, a Moldovan theatre group, hosted by IOM Switzerland and the Swiss Ministry of Foreign Affairs, toured Switzerland with its play "A saptea Kafana - the seventh Coffeehouse", which is meant to increase public awareness of human trafficking. Three state-subsidized churches of the Canton of Basel-Landschaft, in cooperation with FIZ, developed an exhibition to raise awareness among the general public of the problem of trafficking in women. The exhibit opened in Basel-Landschaft in September 2006 and was shown in a total of ten cantons in 2006/07.

The Swiss tourism industry under the leadership of the NGO ECPAT has established a code of conduct to combat child sex tourism. The Federal Criminal Police is cooperating with the framers of the code to establish a mechanism to allow travel agencies to tip off law enforcement bodies

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about child sex tourists. Switzerland pursued a zero-tolerance policy regarding sexual exploitation by personnel serving in international peace-keeping missions. All civil and military persons serving in peace-keeping missions are subject to the Code of Conduct of the UN (and/or NATO-PfP respectively) and undergo specific awareness raising training before deployment.

II. OVERVIEW

1A. Switzerland is primarily a country of destination for persons being trafficked, almost exclusively women, but transit also occurs. Trafficking occurs both across borders and within the country. Swiss officials estimate the number of trafficking victims at a few hundred per year. Several cantons (states), including Zurich, Geneva, Basel, Bern, Vaud, and Ticino, recorded an increase in the number of registered prostitutes and commercial sex establishments in 2006. Federal Police assess that the total number of potential trafficking victims currently living in Switzerland is between 1,500 and 3,000. How many trafficking victims were lured into Switzerland under false pretenses and how many were brought in fully aware that they were going to engage in prostitution in Switzerland is unclear, but the distinction is of

secondary importance because under Swiss law both are punishable as human trafficking.

¶B. Both Federal Police and NGO sources noted an increase in 2006/2007 in the number of young women being trafficked into Switzerland for sexual exploitation from Eastern Europe, particularly Romania. The second apparent trend is that police or NGOs more frequently identify TIP victims working in contact bars in more rural areas. TIP victims typically come from Eastern Europe and the former Soviet Union (Hungary, Poland, Bulgaria, Slovakia, Czech Republic, Slovenia, Romania, Ukraine, Moldova), Latin America (Brazil, Dominican Republic), Asia (Thailand, Cambodia), and to a lesser extent from Africa (Nigeria, Cameroon). The Zurich-based Information Center for Women from Africa, Latin America, and Eastern Europe (FIZ) previously reported that roughly 35 percent of the 133 TIP victims counseled in 2006 came from Latin America, another 35 percent from Eastern Europe, about 20 percent from Asia, and the remaining 10 percent from Africa [Embassy comment: FIZ has not yet compiled its 2007 statistics but will have them soon]. Trafficking into the country is primarily performed by individuals and small groups related through ethnic, clan, or family ties, as well as, occasionally, organized criminals. Federal Police have reported that traffickers are increasingly well organized with far-reaching international networks.

The great majority of trafficking victims are forced into nude dancing and prostitution. Trafficking for the purpose of labor exploitation as domestic servants also occurred but was very limited. Federal Police note that there are also isolated cases of labor exploitation in agriculture, the construction business, and the tourism industry. A study by the University of Neuchatel found that night club cabaret dancers who come for the first time to Switzerland are more at risk of falling prey to traffickers than dancers who have previously visited Switzerland. Faced with excessive and illegal brokerage fees and due to the local high cost of living, such women find themselves in a state of dependency. In some cases, victims are subjected to physical and sexual violence, threats to themselves or their families or both, drugs, withholding of documents, and incarceration. Police estimates suggest that up to 50 percent of illegal prostitutes' gross income is paid to brothel owners and traffickers who organize the passage and entry to Switzerland.

As best as police can determine, trafficking into Switzerland is primarily performed by individuals, or small groups related through ethnic, clan, or family ties, as well as organized criminals. Often, the perpetrators and victims are from the same cities and regions. In addition to men, women also play a role in the recruitment, intermediary, or exploitation process. In 2005, half of the convicted traffickers were women.

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¶C. The Federal Office of Police (BAP) is the federal government's primary actor in anti-trafficking efforts. The BAP's Federal Criminal Police handles international cooperation and investigations of organized crime; the Service for Analysis and Prevention, i.e. the domestic intelligence service, does strategic analysis of information. The Federal Office of Police also hosts the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM), which is the federal government's interdepartmental body to coordinate and monitor anti-trafficking efforts. The KSMM develops anti-TIP strategies and policies in consultation with its constituting ministries that retain final responsibility for their implementation.

The prosecution of illegal prostitution (i.e. prostitution

without a valid work permit) and trafficking of persons normally falls under the jurisdiction of cantonal police and judicial authorities. However, cases linked to organized crime fall under the authority of the federal authorities to investigate and prosecute. The Federal Office of Migration has the lead in easing the return of trafficking victims and assisting in their re-integration in their home societies (cf. section 4.F.).

The following government agencies are represented on the Steering Committee of the KSMM, taking active part in the fight against human trafficking:

Federal Level:

- Ministry of Foreign Affairs
 - Political Division IV (Human Security)
 - Directorate for International Law
 - International Development Cooperation
- Finance Ministry
 - Swiss Border Guards
- Ministry for Justice and Police
 - Office of the Prosecutor General
 - Federal Office for Migration
 - Federal Office of Justice
 - Federal Office of Police
- Economics Ministry
 - Directorate of Labor

Cantonal (i.e. state) Level:

- National Conference of Cantonal Chiefs of Police
- National Conference of Prosecuting Offices
- National Conference of Equal Opportunity Offices
- National Conference of Victims Assistance Centers
- National Conference of Cantonal Migration Offices

NGOs/IOs:

- Information Center for Women from Africa, Latin America, and Eastern Europe (FIZ), Zurich
- International Organization for Migration, Bern
- Foundation Terre des Hommes, Lausanne

1D. In general, criminal cases against traffickers are not pursued (for lack of evidence) unless their victims are willing to testify. Federal and cantonal police and immigration authorities follow a policy of granting potential TIP victims a stay of deportation proceedings to give them time to recover from their trauma and to let them freely decide whether to participate in judicial proceedings against their tormentors. On January 1, 2008, the New Federal Law on Foreigners became effective, which gives special protection to TIP victims or witnesses who testify against their traffickers and regulates their stay during and after judicial proceedings (cf. section 4.A).

A growing number (ten at the latest count) of major urban centers and suburban cantons have established written agreements on a referral process for TIP victims in the context of regular roundtable meetings between NGOs and cantonal justice, police, and immigration authorities. As a direct result of the federal regulations to stay deportation proceedings and the better local cooperation between NGOs and law enforcement officials, the number of TIP victims willing to testify against their traffickers has risen considerably.

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1E. The Federal Office of Police's Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM) is the federal government's main coordinating and monitoring body of its anti-trafficking

efforts. Through its coordinating role, the KSMM keeps abreast of anti-trafficking efforts on all fronts (prevention, victim protection, and prosecution) both at the federal and cantonal level. In addition, its remit includes monitoring of parliamentary ratification of international conventions and offering expert advice on trafficking-relevant legislative reform.

In December 2007, the KSMM published an extensive accountability report on the federal and cantonal governments' anti-TIP efforts. The report lists the progress made over the last few years in the areas of trafficking prevention, victim protection, and prosecution and has been put on the Federal Office of Police's website. The KSMM previously made available its assessment of Swiss anti-trafficking efforts to the Council of Europe, the OSCE, and the UN. The Federal Police's Service for Analysis and Prevention, i.e. the government's domestic intelligence service, does strategic analysis of human trafficking in and throughout Switzerland and publishes its findings in the Federal Office of Police's annual report on homeland security.

III. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. The Swiss Penal Code has two articles specifically prohibiting trafficking in persons: Article 182, effective since December 1, 2006, stipulates that anyone acting as the supplier, broker, or buyer in the trafficking of a human being for the purposes of sexual exploitation, labor exploitation, or to remove a body organ shall be liable to imprisonment or a fine, or both. The act of recruiting an individual for the purposes aforementioned also qualifies as trafficking and is liable to the same punishment.

If the trafficking victim is a minor under 18 years of age or if the perpetrator repeatedly engages in human trafficking, the minimum penalty is a prison sentence of one year.

Article 182 applies universally; traffickers are subject to prosecution in Switzerland even if the act of trafficking was committed abroad, and regardless of whether trafficking is a crime in the foreign country where the act took place.

Article 195 prohibits the promotion of prostitution and states that anyone inducing a person into prostitution by abusing a situation of dependency or promising pecuniary advantage, anyone impairing a prostitute's freedom of movement by checking on the activities in question or fixing the place, time or extent or any other circumstances of the prostitution, or anyone secluding a person for prostitution shall be liable to imprisonment.

Other forms of trafficking or exploitation of human beings are implicitly covered by the Penal Code's provisions against threat, coercion, deprivation of personal liberty, and kidnapping (Articles 180, 181, 183). The Immigration and Naturalization Law penalizes facilitating the illegal immigration of foreigners into Switzerland as well as the employment of foreigners without proper work permission. The Constitution implicitly bans forced or compulsory labor. Article 27 provides for economic freedom and explicitly guarantees the right to choose freely one's profession as well as unrestrained access to and unencumbered exercise of a gainful occupation. Forced or bonded labor by children is explicitly forbidden under Article 30 of the 1964 Labor Act.

New Developments:

The Penal Code Article 182, which supplanted Article 196, entered into force on December 1, 2006. Article 182

penalizes trafficking for the purposes of sexual exploitation, labor exploitation, or to remove a body organ. The older Penal Code article 196 solely penalized trafficking for the purposes of sexual exploitation.

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On January 1, 2007, an amendment of the Penal Code entered into force. Under the new Article 5 of the revised Penal Code certain criminal infractions, notably human trafficking (Article 182) and forced prostitution of minors under 18 years of age (Article 195), are subject to universal prosecution. Traffickers are thus liable to prosecution in Switzerland, even if the act of trafficking was committed abroad, and regardless of whether the trafficking act is a crime in the foreign country where it took place.

The amendment of the Penal Code also introduces a new system of fines based on a convict's relative income level. Under the new system, fines can be levied instead of jail sentences of less than 6 months. Suspended sentences remain possible. The maximum financial penalty is 10,800 Swiss Francs, but the court sets the amount due according to the gravity of the criminal act and sets the value of the daily rate in accord with the convict's economic situation at the time of the verdict. The maximum daily rate is 3,000 Swiss francs, up to 360 days.

1B. The maximum sentence for trafficking in persons for sexual exploitation is a prison term of twenty years (Penal Code Article 182). Coercing someone into prostitution or restricting a prostitute's personal freedom (Penal Code Article 195) can carry a prison sentence of up to ten years.

1C. Under Penal Code Article 182 the penalties prescribed for trafficking for labor exploitation are the same as for trafficking for sexual exploitation. The minimum penalty is a fine; if the victim was a minor under 18 years of age, the minimum penalty is a one-year prison sentence. Maximum penalty is 20 years in prison. Article 182 explicitly prohibits all acts related to labor trafficking - recruitment, supply, transfer, or the receipt of persons being trafficked. Thus, both the labor recruiters in labor source countries and the employers or labor agents in labor destination countries are subject to prosecution in Switzerland. Article 182 applies universally; labor recruiters are subject to prosecution in Switzerland, even if the act was committed in a foreign country where labor trafficking may not constitute a criminal offense.

1D. The Penal Code also punishes rape, forcible sexual assault, and other sex crimes. Sexual activity with minors (Article 187) and sexual acts with dependent persons (Article 188) are punishable with up to five years imprisonment; sexual coercion (Article 189), rape (Article 190), and sexual violations of mentally or physically incapacitated persons (Article 191) are liable to a maximum ten year prison sentence; sexual acts with detainees (Article 192) and taking advantage of a person's distress or dependency due to employment or any other condition to induce a sexual act or acceptance thereof (Article 193) carry a maximum penalty of imprisonment for up to three years.

1E. Prostitution is legal for Swiss citizens and foreign residents with valid work permits if the practitioners are registered with police and comply with taxation and other cantonal requirements. Pimping has been decriminalized since 1992, and brothel owners may legally sublet room and negotiate the terms with the prostitutes. However, Article 195 of the Penal Code penalizes abusing a state of dependency to induce someone into prostitution or restricting a prostitute's freedom with a prison term of up to ten years. Clients are not liable before the law,

unless they knowingly engage in sexual relations with a prostitute younger than the required minimum age of 18 years.

Some cantons (states) have adopted more stringent laws regulating the sex trade. Effective September 1, 2004, the Canton of Vaud implemented a restrictive law on prostitution allowing police to close on-the-spot for a period of three months brothels that fail to register with police, make false declarations on the identity of those working on the premises, or do not meet minimum criteria regarding hygiene, security, or the respect of public order. Police may permanently shut down a brothel in case of repeat violations of the types listed above, in case of gross violations against public order or hygiene, or in case of a felony. Threats, coercion, or violence against

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prostitutes, employment of minors, or the abuse of any situation of distress will be punished in the same fashion. The law provides for police inspection of the brothel premises, the persons staying there as well as their private accommodations. Other cantons, such as Geneva and Ticino, have adopted new legislation regulating the sex trade and Neuchatel is in the process of doing so.

1F. The investigation and prosecution of forced prostitution and human trafficking as well as the protection of victims in Switzerland normally fall under the jurisdiction of the cantons, and national statistics lag by 6-18 months.

Investigations & Prosecutions:

Under Switzerland's federal structure, the cantons hold jurisdiction over most criminal infractions, and statistical records of reported crime and police investigations vary greatly from canton to canton. At its spring meeting in April 2006, the National Conference of the Cantonal Justice Ministers decided to implement the project to harmonize cantonal recording practices and gather national policing statistics in coordination with the Federal Government. The project (which aims to produce detailed figures for the first time in 2009) aims to provide much more detailed and reliable data than are available today. It has been ascertained that both human trafficking and the smuggling in human beings will be recorded in the nascent data base. A project management body was formed during 2006.

In 2007, the inter-cantonal Working Group on Human Trafficking and Migrant Smuggling established a database on the ongoing investigations and prosecutions on suspicion of human trafficking or forced prostitution in the cantons. Cantonal authorities report ongoing investigations/prosecutions on a voluntary basis. The data base is maintained by the Human Trafficking/Migrant Smuggling Investigative Unit of the Federal Criminal Police, which also coordinates inter-cantonal and international trafficking investigations. The data base is still in the process of being established and hence does not yet include all ongoing investigations/prosecutions on trafficking and forced prostitution. However, more information is available sooner than in previous years, representing an appreciable and continuing improvement in Swiss data management with regard to TIP.

According to this developing database, there were at least 20 police investigations or prosecutions during 2007 for human trafficking for the purposes of sexual or labor exploitation. These investigations and prosecutions were led by cantonal law enforcement agencies in all but one case, which was handled by federal authorities.

Adding up these numbers, police investigated at least 28 trafficking cases in 2007 (i.e. 19 cantonal police + 1 Federal Criminal Police + 8 investigations spanning several countries, in which the Federal Criminal Police adopted a coordinating role).

CONVICTIONS:

Year	Art. 196/182	Art. 195	Total
1999	7	14	21
2000	5	17	22
2001	2	17	19
2002	2	11	13
2003	7	6	13
2004	2	12	14
2005	12	15	27
2006*	5	14	19
2007*	8	4	12

* Provisional statistics as of end of February 2008; final numbers most likely to be higher after defendants exhaust possibilities of appeal (e.g. final numbers for 2005 and 2006 are significantly higher than Embassy had reported previously).

One criminal investigation in 2007 was opened under the

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new article 182 on suspicion of trafficking for labor exploitation. Swiss law enforcement agents received tips from colleagues abroad relating to migrant smuggling. Meanwhile, the case has been transferred to a court. At present, the priority lies on combating human trafficking for the purpose of sexual exploitation and police departments dedicate most of their resources to combating this form of exploitation. As Article 182 of the Penal Code was enacted only in December 2006, legal issues regarding its application in cases of labor exploitation are still being worked out and cooperation mechanisms between law enforcement and victim protection bodies are being defined.

More up-to-date statistics on the number of prosecutions, convictions and related sentences will be provided as these figures will become available later in the year.

In 2002 the Federal Tribunal ruled that hiring women, even consenting women, from abroad to engage in prostitution qualified as human trafficking if her abusers exploited a situation of distress.

SENTENCES:

Comment: The conviction statistics for the years 2006 and 2007 are provisional. The Federal Office of Police gathers these preliminary statistics on the basis of the court records the office receives from cantonal courts. The final total number of convictions is most likely to be higher. Final conviction statistics are compiled and released by another office, the Swiss Federal Statistical Office, but only after a delay of 18 months.

2007

Of the eight first-instance convictions for human trafficking recorded in 2007 four were for violation of the old Penal Code Article 196 and four for violation of the new Article 182 (effective since December 1, 2006). Penalties range between 6 months suspended prison sentences to 30 months unsuspended prison sentences; in addition the traffickers received fines ranging from \$870 (900 Swiss francs) to \$2,310 (2,400 Swiss francs). The courts also convicted traffickers to pay a maximum of \$2,020 (2,100 Swiss francs) indemnities and a maximum \$

14,420 (15,000 Swiss francs) in moral damages. As of end of February 2008, Federal Police had recorded four first-instance convictions for forced prostitution during 2007.

In 2007, appeals courts upheld the convictions from lower courts in the two biggest trafficking cases from the previous TIP reporting period.

In Zurich, the cantonal appeals court in 2007 upheld the first-instance ruling in a trafficking case from 2006, in which the main culprit was sentenced to 27 months in prison.

In 2007 the Federal Tribunal (Supreme Court) upheld the four year prison sentence against the main culprit in a trafficking case in the Canton of Bern from spring 2007. In April 2007, a Bern cantonal appeals court had lowered the first-instance court verdict of six years to four years behind bars. The Federal Tribunal ruling is final.

2003

Art. 196

Number of Sentences

Unsuspended prison sentence	4
Suspended prison sentences	3

Length of sentence	Min	Max	Average
Unsuspended	360	1650	990 days
Suspended			294 days

Art. 195

Number of Sentences

Unsuspended prison sentence	4
Suspended prison sentences	2

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Length of sentence	Average
Unsuspended	913 days
Suspended	335 days

2004

Art. 196

Number of Sentences

Unsuspended prison sentence	0
Suspended prison sentences	2

Length of sentence	Average
Unsuspended	n/a days
Suspended	314 days

Art. 195

Number of Sentences

Unsuspended prison sentence	5
Suspended prison sentences	7

Length of sentence	Average
Unsuspended	1388 days
Suspended	134 days

2005

Art. 196

Number of Sentences

Unsuspended prison sentence	3
Suspended prison sentences	8

Length of sentence	Average	
Unsuspended	360	days
Suspended	254	days

Art. 195

Number of Sentences

Unsuspended prison sentence	1
Suspended prison sentences	11

Length of sentence	Average	
Unsuspended	487	days
Suspended	146	days

[Embassy comment: 2006 sentencing data is forthcoming]

1G. Investigators of the Federal Criminal Police receive specialized training in investigating incidences of organized crime, including human trafficking. Under the 2001 Efficiency Bill, the Federal Criminal Police obtained from the cantons the jurisdiction to investigate and prosecute more complex cases of human trafficking that span several cantons or are linked to organized crime. The Federal Criminal Police also handles international cooperation in the investigation of incidences of human trafficking.

During 2007, the KSMM continued its specialized training programs for federal and cantonal officials.

Training of migration and law enforcement officials:

April 16-20, 2007, the Swiss Police Academy in Neuchatel held its first training class in combating human trafficking for 25 cantonal police officers and immigration officials. (As police officers are trained at the cantonal level, the Swiss police academy serves as a national institute for cantonal police officers to undergo periodic specialized training). Due to the high demand, the class was repeated October 22-26, 2007, for 27 police

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officers, immigration officials and border guards. The first two training classes were held in German; the same class will be offered to French-speaking law enforcement and immigration officials during 2008.

The main teacher of the training course was the head of the investigative unit of the Zurich City Police, who was chosen to achieve maximum impact and acceptance among the Swiss Policing Community. The head of the KSMM served as main assistant of the course. The KSMM had finalized the course program and evaluated all instructors of the training module. Some classes were taught by experts from the Zurich-based anti-TIP NGO FIZ.

The training program covered the following topics:

- National and international analysis regarding TIP, including prostitution, modes of operation, countries of origin and transit, financing, criminal organizations, and networks;
- Identification of TIP victims;
- Questioning of TIP victims;

- Legal basis of prosecution;
- Victims assistance, protection, and aid in returning;
- Legal aspects of stays of TIP victims in Switzerland;
- Multi-stakeholder approach and cooperation among justice, police, migration offices and victims assistance centers/NGOs;
- Best police investigation practices;
- Best law enforcement practices.

Awareness raising seminar

In order to promote the upcoming training module among the Chiefs of the Criminal Division of the Cantonal Police Forces and Heads of Immigration Offices, the KSMM together with the Zurich City Police and the Bern Cantonal Police on December 7, 2006, hosted an awareness raising seminar on combating trafficking in persons. The purpose was to show participants the various aspects of trafficking in persons and to illustrate best policing practices.

National Working Group on Trafficking in Persons and Smuggling of Migrants

The National Conference of the Cantonal Chiefs of Police in 2006 decided to install an inter-cantonal police working group "Trafficking in Persons/Smuggling of Migrants". The Working Group was established at the initiative of the KSMM and began operations in the summer of 2007. It comprises representatives from the regional police concordats, the airport police, the Zurich and Ticino police forces, and the Federal Office of Police. The working group, which convenes 1-2 times per year, is tasked with establishing standardized investigation procedures for all of Switzerland and to foster cooperation and exchange of specialized know-how at the operational level. The Working Group is chaired by the Head of the Investigative Unit of the Zurich City Police, who taught the first training class in combating human trafficking at the Swiss Police Academy in Neuchatel.

1H. The Swiss government readily cooperates with other governments in the investigation and prosecution of trafficking cases. Police contacts disclosed to Embassy that the Federal Criminal Police in 2007 provided assistance in 602 instances in response to international inquiries relating to human trafficking, compared to 647 during 2006 and 550 during 2005. The Federal Criminal Police takes part in the expert working groups of both Europol and Interpol. During 2007, there were eight investigations spanning several countries, in which the Federal Criminal Police adopted a coordinating role. (Comment: The Federal Criminal Police asks for the latter figure not to be published because its lead role automatically implies the investigation of organized crime.) One of the biggest police operations targeting the trafficking of mostly Romanian women for sexual exploitation was conducted in the cantons of Bern and Schwyz in February 2007, together with officials from Romania.

Since 2004 Switzerland has had a bilateral cooperation accord between Europol and the Swiss Police, allowing the

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latter to tap into Europol's intelligence files on organized crime, drug trafficking and terrorism. Under the terms of the agreement, Swiss Federal Police have assigned to The Hague a liaison officer whose role is to support and coordinate the cooperation between Switzerland and other EU countries. There is also a Swiss Police liaison at the headquarters of Interpol.

Since 1995 the Federal Office of Police has deployed police attaches abroad to support the Swiss police and

judicial authorities in the fight against transnational crime. At present Switzerland has a network of seven police attaches in six countries (two in the U.S. and one each in the Czech Republic, Germany, Italy, Thailand and in France at the General Secretariat of Interpol in Lyon). The police attach in the Czech Republic and Italy are also accredited in Slovakia and Slovenia, respectively. Switzerland has bilateral police cooperation agreements with Austria, France, Hungary, Latvia, and Albania. Switzerland has also signed but not yet ratified cooperation agreements with Romania, Macedonia, and Bosnia-Herzegovina.

I. Extradition is permitted if the act in question is punishable under Swiss law and the law of the requesting state, liable to a term of imprisonment of at least one year, and no Swiss court is competent in the matter. No Swiss national shall be extradited to a foreign country for penal prosecution or execution of a verdict without his or her written consent. The person in question may revoke consent until the order for the extradition is issued. A request for extradition is complied with only if the requesting country accords reciprocity. Foreigners may be extradited to another state for offenses punishable under its laws or for serving a term of imprisonment if this state applies for extradition or accepts, upon request of the Swiss authorities, to prosecute the person in question or to execute a verdict cast by Swiss authorities. Swiss Police statistics record extraditions only by country so no extraditions statistics are available for specific criminal offenses. There have been no changes to extradition law.

J. Trafficking is not tolerated in Switzerland, and there are no indications or reports that government officials are involved.

K. N/A

L. There have been no indications or reports that Swiss military or civilian personnel deployed on international peace-keeping missions have engaged in or facilitated severe forms of trafficking or exploited victims of such trafficking. Switzerland pursues a zero-tolerance policy regarding sexual exploitation by personnel participating in international peace-keeping missions (cf. section 5.I.).

M. The 2002 partial revision of the Penal Code providing for the extraterritorial coverage of Switzerland's child sexual abuse laws entered into force on January 1, 2007. Anybody violating Swiss child sexual abuse laws is subject to prosecution in Switzerland under the extraterritorial provisions of the Penal Code regardless of the legislation of the foreign country where the abuse took place.

During 2007, Swiss law enforcement authorities handled the following child sex tourism cases:

- A Swiss national was sentenced in Cambodia to eleven years in prison for child sexual abuse. Swiss law enforcement authorities cooperated in the investigation with local authorities.
- A criminal investigation against a Swiss national has been opened in Switzerland on suspicion of child sexual abuse abroad.
- A Swiss national who had been sentenced in Switzerland for child sexual abuse and who had taken up residence in Haiti to escape punishment was extradited to Switzerland.

IV. PROTECTION AND ASSISTANCE TO VICTIMS

A. The government does assist foreign victims of trafficking by granting relief from deportation and

providing temporary to permanent residency status in cases of serious hardship. Under the Federal Law on Foreigners, effective January 1, 2008, cantonal immigration authorities must grant TIP victims a minimum 30-day stay of deportation proceedings to let them recover from their trauma and weigh participation in judicial proceedings against their traffickers (cantonal immigration authorities have been granting temporary stays of deportation to TIP victims since 2004, in accord with federal guidelines). Cantonal immigration authorities may admit TIP victims willing to cooperate with judicial authorities for up to three months or may issue short-term residency permits (with the consent of the federal authorities) if the criminal investigation takes longer. In 2007, cantonal immigration offices granted the 30-day stays of deportation proceedings to 33 trafficking victims (39 in 2006) and issued 6 short-term residency permits for the duration of legal/court proceedings against their traffickers (three in 2006).

The new Federal Law on Foreigners further strengthens the legal status of TIP victims and witnesses, explicitly authorizing the government to waive normal immigration requirements and grant residency permits for victims of human trafficking as well as witnesses in human trafficking cases. The Federal Office for Migration grants trafficking victims temporary admission in Switzerland if they are at risk of personal harm as witnesses in criminal proceedings or if a return to the country of origin is deemed unreasonable. In 2007, four victims were granted such long-term residency permits on grounds of personal hardship after the end of court proceedings (three in 2006). The law also allows the federal government to logistically and financially assist trafficking victims and witnesses for whom a return is acceptable in their re-integration in their countries of origin. In April 2008, the Federal Office for Migration launches a two-year pilot project to assist trafficking victims and witnesses in their return to and re-integration in their home societies.

1B. Under the Swiss Victims Assistance Law (OHG), which came into force in 1993, TIP victims, regardless of their immigration status, are entitled to free and immediate material and medical aid as well as psychological, social, and legal assistance. Local victims assistance centers have to provide TIP victims with a minimum of 14 days of emergency lodging, 14 days of living allowance, 4 hours of consultation with a lawyer and 5 sessions of psychotherapy, with all other expenses for medical treatment, transportation, personal safety, or translation services being covered by the government. If recovery requires more time, the government is obligated to assume the additional cost of longer-term care. The victims' assistance center may lodge a TIP victim in a shelter for battered women.

Federal government statistics show that in 2006 (most recent figures available) a total of 80 victims of human trafficking or forced prostitution received help from government victims assistance centers, compared to 63 in 2005 and 84 in 2004 (aggregate statistical records that are not broken down for the two separate infractions). The NGO FIZ Makasi, a victim assistance center counseling only TIP victims, assisted 133 trafficking victims in 2006, compared to 116 in 2005 and 85 in 2004. FIZ Makasi, which was launched in 2004 by the Zurich-based NGO FIZ, receives financial contributions from the federal government and several cantons for counseling services offered to TIP victims under their jurisdiction. The Canton of Zurich in 2007 contracted out the counseling of TIP victims to FIZ Makasi and continues to support the umbrella agency FIZ.

On March 23, 2007, Parliament adopted a complete revision of the Victims Assistance Law (OHG), which obligates the

cantonal victim assistance centers to take into account the special needs of different groups of victims of crime. Under the revised OHG, cantons can pay financial compensation to one another for counseling services provided to a victim of crime under their jurisdiction, which is meant to give urban centers an incentive to establish specialized victim counseling centers, e.g. a victims' assistance center supporting only TIP victims. The revised OHG will become effective at the beginning of 2009.

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1C. Federal and cantonal governments provide funding to NGOs and women shelters that provide services to TIP victims. Under the 1993 OHG, all cantons are obligated to offer TIP victims the services listed above (cf. section 4.B.). Funding of the victims assistance centers is a matter of the cantons and no federal statistics are being reported. In addition to the official victims assistance centers, other domestic NGOs receive public money. For example, the Zurich-based Women's Information Center for Women from Africa, Latin America, and Eastern Europe (FIZ) receives roughly 30 percent of its \$676,000 budget (710,000 Swiss francs) from federal, cantonal, and city government (These public contributions are independent of the compensation to FIZ by cantons for counseling services offered to individual victims of TIP). Internationally, the Swiss Ministry of Foreign Affairs in 2007 channeled more than \$1.44 (1.5 million Swiss francs) to International Organizations and NGOs providing services to TIP victims, two-thirds through its development aid arm SDC and the rest through its human rights and human security division.

1D. At the end of February 2008, ten cantons had established a formal referral process for TIP victims to improve their protection and security by regulating the procedures for identifying and referring TIP victims for assistance. In Zurich, roundtable meetings between city and cantonal representatives of the police, the immigration office, the prosecutor's office, the equal opportunity office, and the NGO FIZ began in 2001 and led in 2004 to a "letter of intent" delineating areas of concerted action. In 2006, the round tables in the three cantons of Luzern, St. Gallen, and Solothurn have each adopted a formal code of cooperation and referral process in TIP cases in written memoranda of understanding. During the reporting period, the cantons of Basel-Stadt and Fribourg have adopted written codes of cooperation, and efforts to establish a formal referral process for TIP victims continued in Basel-Landschaft, Bern, and newly Aargau. The southern Canton of Ticino bordering on Italy has a working group which comprises representatives of the police, the social security and immigration departments, and NGOs. The working group was established to oversee the implementation of the cantonal law on prostitution and has been operating since 2002.

1E. The co-operation mechanisms several cantons have established between law enforcement and migration authorities and NGOs have pushed combating trafficking in persons up on policing agendas. Whereas in earlier days police raids of red light districts and commercial sex establishments led to the apprehension and expulsion of illegal immigrants, these checks are now carried out for the purpose of apprehending and prosecuting those who organize the trafficking in women and profit from illegal prostitution. In some areas, notably the City of Bern, the police as a result of the exchange of information in the context of roundtable meetings has raised the number of police officers carrying out on-site checks of night clubs and sex establishments.

1F. Under the new Federal Law on Foreigners, effective January 1, 2008, cantonal migration authorities are to

grant TIP victims a stay of deportation proceedings to recover from their trauma and weigh participation in judicial proceedings (cantonal immigration authorities have been granting temporary stays of deportation to TIP victims since 2004, in accord with guidelines sent out by the FOM). The new law further strengthens the legal status of TIP victims and witnesses, explicitly authorizing the government to waive normal immigration requirements and, in cases of serious hardship, grant residency permits for victims of human trafficking as well as witnesses in human trafficking cases.

The new Federal Law on Foreigners also allows the federal government logistically and financially to assist in the voluntary return to and re-integration of trafficking victims and witnesses in their countries of origin. The Federal Office for Migration in April 2008 launches a two-year pilot project to assist primarily victims and witnesses of human trafficking and secondarily cabaret dancers in Switzerland who are in an exploitative situation. The pilot project is being implemented in co-operation with cantonal bodies assisting returning

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migrants and the International Organization for Migration. Under the new Federal Law on Foreigners, the beneficiaries of the pilot program receive the same assistance and have access to the same counseling services as are offered to asylum seekers returning voluntarily. This includes financial, material, and medical assistance in the return to the country of origin. The pilot project takes into account the special needs of TIP victims (i.e. risk assessment, rehabilitation programs, etc.). After the pilot phase, the project will be evaluated and potentially slightly modified. It will then be turned into an indefinite TIP victim return assistance program.

Already since 2005, IOM Switzerland has provided the cantons and other NGOs with specialized support for TIP victims returning voluntarily to their country of origin and their placement in a rehabilitation center or reintegration program. However, until the enactment of the new Federal Law on Foreigners, the government could not provide financial assistance to individual TIP victims for their return because of a lack of appropriate legislation to assist non-asylum seekers. Since the project began in 2005, IOM has made assessments of the situation in the country of origin for 55 individual TIP victims, 27 of whom have actually returned home.

1G. The Swiss Government encourages TIP victims to assist judicial authorities in trafficking investigations and prosecutions by granting them temporary residency and financial support, and admitting them to stay if a return to their country of origin posed a serious risk of personal harm. The Swiss Victims Assistance Law (OHG) safeguards TIP victims' rights in criminal prosecutions with special rules for trial procedures and for compensation and redress. The OHG covers all victims of crimes, including foreigners staying illegally in Switzerland. The OHG provides for the special protection of witnesses' identity in criminal court proceedings: victims/witnesses may request the trial to take place behind closed doors and avoid confrontation with the defendant. The OHG is a federal law and thus binding on all cantonal codes of criminal trial proceedings. TIP victims may also file civil suits against their traffickers and seek financial compensation. Under the new Federal Law on Foreigners, effective January 1, 2008, TIP victims temporarily admitted for the duration of court proceedings against their traffickers may be issued a work permit during their stay.

Several major urban centers have established a referral process for TIP victims in the context of regular roundtable meetings between NGOs and cantonal justice,

police and immigration authorities. As a direct result of the regulation to stay deportation proceedings and the better cooperation between NGOs and law enforcement officials, the number of TIP victims willing to testify against their traffickers has risen considerably. FIZ reports that of the 133 TIP victims being counseled during 2006, 65 were testifying to law enforcement officials against their trafficker. In 2005, 37 out of a total of 116 TIP victims had cooperated with judicial authorities. In other words, the percentage of TIP victims willing to testify against their traffickers rose from less than 10 percent to almost 50 percent in a matter of a few years [Embassy comment: FIZ has not yet released its figures for 2007.].

1H. Under the OHG, all TIP victims are entitled to help from government-funded victims assistance centers for abuse victims or women shelters and enjoy special safeguards during criminal proceedings, and cantonal authorities do provide these protections in practice (cf. section 4.B). Switzerland does not have a comprehensive witness protection program providing victims of crime with new identities.

Foreign juvenile victims of crime under 18 years of age have to be placed under the protection of the Cantonal Guardianship Office (Vormundschaftsbehoerde) during their stay in Switzerland. In criminal court proceedings, the OHG provides special protective measures for juvenile victims of crime: Questioning by police or the investigative magistrate must occur soon and the testimony is being recorded on videotape. Cross-examinations are not allowed. The questioning has to be done by a recognized expert and no more than two sessions are

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allowed. The law recognizes the special needs of juvenile victims of crime and they may only serve as witnesses of the prosecution if their testimony is indispensable for the conviction of a suspect.

In case of the repatriation of a juvenile victim of crime (after the end of the stay-of-deportation proceedings or a criminal court procedure), the Federal Office for Migration and cantonal migration offices have to take into special account that the person in question is a minor under 18 years of age. Under the law, a return to the country of origin is only permissible if the authorities have ascertained that the juvenile can be placed again in the care of the parents or a close relative, or if there is a satisfactory care structure in place in the country of origin.

On October 5, 2007, Parliament adopted a new federal code of criminal trial proceedings that will supplant the existing 26 cantonal codes. The new federal code strengthens the existing witness protection measures under the OHG in order to avoid a perpetrator in a TIP case learning the identity of a prosecution witness and it gives witnesses the right to call on an attorney and/or a confidante during court proceedings. The government plans to put the new federal code into effect at the beginning of 2010. Implementation requires several years because, even under the new federal code of criminal trial proceedings, law enforcement remains the dominion of the cantons. Cantons need time to amend their legislation and adjust cantonal operating modes to the new federal regulations on court proceedings.

The government has further strengthened protective measures of cabaret/night club dancers on temporary artistic visas, so called L-permits, often thought of as being at special risk of being exploited by their employers. In 2003, the Economics Ministry, the Federal Office for Migration, the Association of Concert Halls, Cabarets, Nightclubs, and Discotheques (ASCO), and FIZ

Zurich adopted a standard labor contract for the employment of cabaret dancers, effective beginning of 2004. The standard labor contract regulates the rights and responsibilities of both contracting parties, stipulates salary and the details of traveling costs, and contains labor law provisions on night shifts and rest periods. According to the terms of the standard labor contract, cabaret dancers earn a gross income of 4,800 Swiss francs for 23 working days per month. After deduction of a source tax, rent, social security, and unemployment insurance contributions, the cabaret dancers earn a net income of 2,200 Swiss francs per month. The Economics Ministry and the Cantonal Labor Inspectorates monitor implementation. L-permit applicants have to sign a copy of their labor contract with the Swiss cabaret or nightclub in the presence of a Swiss consular official in their country of origin (cf. section 4.I).

In February 2006, the Federal Office for Migration issued a new set of regulations regarding L-visa holders. The regulations explicitly stipulate that the contractual salary of the cabaret dancer be transferred to a bank account in that person's name and that the nightclub employer bears responsibility for signing a health insurance contract on the cabaret dancer's behalf, which must be mentioned in the labor contract. Both requirements are designed to facilitate the monitoring of working conditions by cantonal labor Inspectorates.

FIZ in 2006 contracted an academic study on the living and working conditions of cabaret dancers in Switzerland. The study, which was based on a rather small and heterogeneous sample of cabaret dancers and experts, concluded that the legal norms protecting L-permit holders are at times not upheld completely, and that L-permit holders are not always fully aware of their rights under the law. The Federal Office for Migration has welcomed the study as helpful and evaluated its recommendations for possible improvements of the living situation of cabaret dancers. On briefing cabaret dancers on their rights and responsibilities, some cantons have introduced mandatory briefing session for all first-time visitors on L-permits. The FOM recognizes the vulnerable situation of cabaret dancers and urges cantonal authorities both with circular letters and through the regional working groups to conduct regular controls. The FOM has received feedback from

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several cantons that night clubs and cabarets are inspected more frequently.

Embassy contacts stress that statistics available indicate that persons on L-permits do not figure prominently among TIP victims. Of the 133 TIP victims counseled by the anti-TIP NGO FIZ in 2006, only 15 had entered the country on a L-permit (Embassy Bern is awaiting the detailed analysis of the FIZ statistics for 2007). Roughly half of the TIP victims crossed the border into Switzerland either without proper documentation or as tourists. This observation that the great majority of TIP victims enter the country without any proper documentation is also confirmed by police and judicial authorities.

1I. The GOS provides extensive training for government officials in identifying trafficking victims and providing assistance. The Swiss Police Institute in 2007 held specialized five-day anti-TIP workshops for migration and law enforcement officials and border guards (cf. section 3.G.). On November 23/24, 2007, the NGO ECPAT Switzerland organized an interdisciplinary workshop combating on child trafficking for members of cantonal and urban police departments, the Swiss border guards, prosecutors/investigative magistrates, and social security agencies. The workshop provided background information and briefed participants on identifying and questioning child trafficking victims, legal aspects, investigative

techniques, the needs for special assistance and existing protective institutions, and cooperation between the police and social institutions. ECPAT also presented a new handbook "Child Trafficking: National Response to an International Problem", which the organization had adapted to Swiss circumstances in the context of ECPAT's European program to raise awareness of child trafficking.

The Swiss Department of Foreign Affairs briefs experts and diplomatic personnel about the problem of trafficking in human beings prior to their postings abroad, and draws their attention to a code of conduct drafted by a joint working group on human trafficking. According to these rules, diplomatic staff shall stay clear of any person who can reasonably be suspected of engaging in trafficking in human beings or those who are involved in other criminal activities under the laws of either the host country or of Swiss or international law. The Department of Foreign Affairs also urges its embassies and consulates to develop ongoing relationships with NGOs assisting trafficking victims.

The Federal Department of Foreign Affairs anti-TIP information and prevention program for visa applicants has been extended to all Swiss consulates worldwide by a circular letter of March 2005. The program (that started as a pilot project at Embassies Moscow and Kiev) consists of the following elements: a personal interview with every first-time L-visa applicant; the signing of a standardized labor contract with a Swiss night club in the presence of a Swiss consular official; a briefing of the L-visa applicant on her or his legal and contractual rights; and an information brochure with the phone numbers and addresses of victim assistance hotlines or drop-in centers in Switzerland for persons in need.

J. N/A

K. The following is a list of IOs and NGOs operating in Switzerland that provide services to trafficking victims. The organizations provide information and counseling, and in some cases emergency assistance.

Terre des Hommes, Switzerland;
Ecpat Switzerland (end child prostitution, child pornography and trafficking of children for sexual purposes);
International Organization for Migration;
International Labor Organization;
Women's Information Center for Women from Africa, Asia, Latin America and Eastern Europe (FIZ): counseling, publications/articles, symposiums/workshops, participation in round tables with aids-prevention and anti-violence groups, multi-lingual educational radio programs, and international contact building.

In addition, a number of smaller NGOs counseling women in the sex trade as well as women shelters that exist in most

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urban centers, deal with the problem of human trafficking. A great number of these organizations are linked in the national network "Prostitution Collective Reflection" (ProKoRe). The major counseling centers and primary points of contact of ProKoRe are FIZ in Zurich, Xenia in Bern, and ASPASIE in Geneva.

The national organizations and domestic NGOs typically deal with TIP victims, prostitutes, and victims of domestic violence and offer victim counseling, crisis intervention and emergency lodging, legal and medical assistance, and assisted returns to the country of origin. Cooperation with local authorities is varied but typically includes regular meetings and institutionalized information exchange, cooperation in the context of working groups or roundtables, financial support by local

communities and cantons, as well as public funding for specific projects.

IV. PREVENTION

A. Government officials at the highest level acknowledge that trafficking is a problem. On the occasion of the International Women's Day, March 8, 2006, Foreign Minister Micheline Calmy-Rey, together with several women Members of Parliament from the major parties, appealed to international organizations to combat trafficking in persons vigorously. The appeal was open for the public to sign and over 2,000 signatures from all corners of Switzerland were spontaneously sent in. The text of the declaration plus the signatures were sent with a letter of the Foreign Minister to the Secretary General of the UN, the Director General of the ILO, the Director General of the IOM, the President of the OSCE, and the Secretary General of the Council of Europe.

B. Domestic campaigns

With a view toward the upcoming European Soccer Cup (Euro 08), which Switzerland is hosting together with Austria in June 2008, the federal government in January 2007 appropriated \$96,000 (100,000 Swiss francs) to NGOs to kick-start suitable public awareness campaigns against trafficking and forced prostitution. The anti-TIP NGO FIZ has already begun preparations for the awareness-raising campaign during the Euro 08 in cooperation with partner organizations.

The campaign will be kicked off on March 8, 2008, International Women's Day, with rallies in Basel, Bern, Geneva, and Zurich, i.e. the Swiss host cities of the Euro 08, which marks the launch of a petition for the better protection of victims. In the run up to and during the Euro 08, the campaign organizers plan to show TV spots in soccer stadiums and large-scale screens in public sites such as train stations.

The goal of the FIZ campaign is to raise awareness among the visitors of the EURO 08 and the general public of the extent and the consequences of trafficking in women. The FIZ campaign will also target the customers of commercial sexual services, calling on them to help potential victims of trafficking get access to aid organizations.

On February 25-29, 2008, the Moldovan theatre group Centrul de Arte Coliseum from Chisinau toured Switzerland with its play "A saptea Kafana - the seventh Coffeehouse". The play, which is meant to increase public awareness of human trafficking, is based on true accounts of Moldovan TIP victims, who after returning to their home country describe and try to overcome their traumatic experiences. On its tour through Switzerland the group stopped in Zurich, Bern, Geneva, and Chiasso (in Ticino). After each performance, a round-table panel discussion with Swiss and international trafficking experts and officials was held. The Centrul de Arte Coliseum was hosted by IOM Switzerland and the Swiss Ministry of Foreign Affairs, which organized the tour through Switzerland as well as the follow-up panel discussions. [Embassy Bern observed that the performance in Bern was attended by 150-200 people.]

During 2007, the Swiss Foreign Ministry organized two working luncheons on the issue of human trafficking, open

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to members of the federal administration and interested parties from external organizations. The two guest speakers were Mrs. Bridget Lew, founder-president of the Humanitarian Organization for Migration Economics

(H.O.M.E.), a Singaporean NGO, and a representative of the international secretariat of the Global Alliance against Traffic in Women (GAATW) based in Bangkok. Both events were attended by 50-75 people.

The three official churches of the Canton of Basel-Landschaft - Roman Catholic, Old Catholic, and Protestant - in cooperation with FIZ, developed an exhibition "Without Glitz and Glamour - Trafficking in Women and Forced Prostitution," designed to raise awareness among the general public of the problem of trafficking in women and to stir public discussion. The exhibit opened in Liestal in Basel-Landschaft in 2006 and was shown throughout 2007 in a total of ten cantons. The exhibit highlights the background and motives of all stakeholders - women, traffickers, clients - and shows the ways and means of modern-day slavery with a special focus on Switzerland. The KSMM took an active part in the opening ceremony of the exhibit.

The Swiss Crime Prevention unit, a staff unit of the National Conference of the Cantonal Justice Ministers, in September 2005 launched a three-year information campaign against child pornography on the Internet. During the first year, the "Stop Child Pornography on the Internet" campaign is meant to raise the public's awareness of the criminal nature of child pornography. The campaign has an annual budget of 300,000 Swiss francs and conveys its message with brochures, flyers, stickers, and a website: <http://www.stopp-kinderpornografie.ch/3/de/>

The "stop child pornography on the internet" campaign is targeting the police, children and youth, their environment (parents, schools) as well as (potential) consumers and perpetrators.

International campaigns:

During 2007/08, the Department of Foreign Affairs (DFA) and the DFA's Development and Cooperation Agency (SDC) sponsored the following anti-TIP campaigns. (The list is not exhaustive but contains the major projects, many of which Switzerland co-sponsored in partnership with other countries or international organizations.) In total DFA spends approximately 1 million Swiss francs on various projects/expert secondments (Comment: the exchange rate for 2007 averaged about 1.19 Swiss Francs to the U.S. dollar. End comment):

- Mongolia, Combating Human Trafficking, Phase 1, February 2008 - January 2010, CHF 2,200,000
- Mongolia, Promote and Strengthen Human Rights Protection of Trafficked Persons, Small Action, September - December 2007, CHF 50,000
- East Asia, Consultancy on the situation of anti-trafficking initiatives in East Asia and proposal for Swiss participation, January-April 2008, CHF 40,000
- Myanmar, Contribution to IOM for reintegration of trafficking victims, CHF 180,000 in 2008 (managed by the humanitarian aid)
- Myanmar, Contribution to the Association Francois-Xavier Bagnoud for HIV/AIDS and human trafficking prevention, CHF 100,000 CHF in 2008 (managed by the humanitarian aid)
- Global, Support to the Global Alliance Against Trafficking in Women (based in Bangkok), CHF 200,000 in 2008 (planned not yet signed)
- Cambodia, Contribution to the Hagar women shelter, November 2007 to December 2008, CHF 200,000 (additional support was also given previously)
- Serbia: NGO ASTRA Information office for women and

girls, Prevention and Assistance, November 2005 - March 2008 CHF 320,000

- Moldova, Terre des hommes / Salvat Copii (NGO):

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Contribution to the Fight Against Child Trafficking (FACT), CHF 200,000 (through program contribution to Tdh)

- Russian Federation, Prevention, information (Hotline) and reintegration for victims of human trafficking, September 2007 - December 2008, CHF 350,000 (new phase)

- Lebanon: Measures to prevent and combat trafficking in Human Beings, Contribution to UNODC (October 2005 - September 2007) CHF 407,000

- Lebanon: Safe House Shelter Project: Urgent Funding to Caritas Lebanon Migration Center (CLMC): 200,000 CHF (PA IV und DEZA-HH)

- Syria: Legislation to Combat Human trafficking, Contribution to IOM (August 2006 to January 2008), CHF 195,000

A regional Concept for the CIS region has been elaborated (including Ukraine, Moldova, Russian Federation, South Caucasus and Belarus), aiming at better coordinating SDC interventions in the region and to allow the replication of best practice. On the basis of this concept, a regional program is being elaborated; it is planned to start in summer 2008 with a yearly budget of 1.5 million CHF.

Additionally, anti-trafficking messages are included in other information and awareness raising activities supported by Switzerland, e.g. in the HIV-AIDS prevention program of the Red Cross Youth in Nepal (through street theatre); and Violence against Women (Tajikistan).

The Foreign Ministry's Division on Human Security and Human Rights supports a majority of projects that seek to promote equal opportunity goals and to strengthen women's rights (de jure and de facto). As part of the foreign policy promoting peace and human rights -- in accord with UNSCR 1325 on women, peace, and security -- these programs seek to reduce the vulnerability of women (in societies afflicted by armed conflicts).

In 2006 the Swiss Development Agency reviewed its priority areas. The upshot of this review has been to define migration, including the aspect of human trafficking, as one of the SDC's 10 priorities. In Eastern Europe and the CIS, the importance of migration and human trafficking projects is set to increase. The SDC is elaborating a policy paper setting the framework to expand its activities in the fight against human trafficking.

In 2007 the Swiss government also supported the following projects:

- Mongolia, Combating Violence against Women, phase 1, December 2007 - December 2008, CHF 200,000

- Vietnam, Contribution to UNFPA for the mainstreaming prevention of domestic violence, phase 2 October 2006-December 2010, 1,100,000 CHF

- Vietnam, Support to the prevention of domestic violence in Ninh Binh and central level, phase 2, July 2007 to May 2011, 960,000 CHF

- Vietnam, Support to national legal aid system, phase 1, July 2003 to June 2007, 3,450,000 CHF

- Cambodia, Support to Hagar Soya: providing work to

victims of trafficking (2002-2008, 1,277,5000 CHF)

- Belarus, La Strada/Young Women Christian association: Countering Trafficking in Women, Prevention and Reintegration - (2004 - 2007), CHF 300,000
- Belarus, IOM: Combating Trafficking in Human Beings: Protection and Reintegration assistance, Contribution to the establishment of a rehabilitation center in Minsk, CHF 183,000
- Ukraine, IOM: Migration management including combating human trafficking, assistance counseling, prevention, CHF 500,000
- Georgia, "Protection and Assistance of trafficking

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victims in Georgia" (training of social workers), CHF 400,000

- South East Europe (Regional project), Strengthening governments' capacities for fighting human trafficking (national plans, coordination at regional level, harmonization of database etc), CHF 310,000
- Southeast Europe (Regional project), Contributions to the Organized Crime Training Network - OCTN for operational managers (police officers and organized crime investigation units) in SEE, CHF 400,000
- Brazil: UNODC Project, Contribution to the implementation of the National Policy to Combat Trafficking in Persons and the design of a National Plan to Combat Trafficking in Persons. Structuring Services for victims' assistance and working in the states of Sao Paulo, Goias, Rio de Janeiro and Ceara, CHF 50,000
- Black Sea Region: UNODC Project. The objective of this project is to take a significant step forward in strengthening the criminal justice response to trafficking in persons in the member states of the Organization for Black Sea Economic Cooperation (BSEC). The key strategy is to promote and guide bilateral and multilateral cooperation between the relevant governmental and non-governmental actors among the BSEC member states in the areas of investigating cases of trafficking, prosecuting and convicting traffickers as well as referring, supporting and protecting victims and witnesses of trafficking: 177,000 CHF.
- Financial support of the Council of Europe's campaign "Tu n'es pas a vendre" [You are not for sale] to pay for the translation of the eponymous comic book into German and Italian (for its distribution in Switzerland) and into Ukrainian and Albanian: 12,000 CHF

- Financial support to launch a roundtable on human trafficking in Spain: exchange of experiences/knowledge transfer on the issue of human trafficking hosted by the Swiss Embassy in Madrid with the participation of the Swiss Federal Government's anti-TIP coordination UNIT KSMM, the Swiss anti-TIP NGO FIZ, and concerned Spanish organizations and institutions.

Additionally, SDC spreads anti-trafficking messages in the context of other projects not explicitly focused on human trafficking (e.g. Burma/Myanmar).

1C. According to Embassy contacts, the relationship between government authorities and NGOs is generally a cooperative and symbiotic one. An increasing number of cantons and cities have institutionalized regular roundtable meetings on human trafficking to improve cooperation between NGOs and cantonal justice and police authorities. At the latest count, ten cantons have adopted formalized codes of

referral and cooperation in TIP cases or were in the process of doing so (cf. section 4.D.). The head of the federal government's KSMM participates in most of these cantonal roundtable efforts, but - in accord with Switzerland's federal structure - only in the capacity of an observer and consultant.

Cooperation among federal authorities and international and local NGOs has intensified. The KSMM conducts consultations and invites NGOs and international organizations to its roundtables, including Terre des Hommes Switzerland, Ecpat Switzerland, the International Organization for Migration (IOM), Women's Information Center for Women from Africa, Asia, Latin America and Eastern Europe (FIZ), the "Prostitution Collective Reflection" (ProKoRe), and ASPASIE in Geneva. KSMM has regularized these roundtables.

FIZ experts also taught an integral part of the first two training classes in combating human trafficking for police officers and law enforcement officials, which were held at the Swiss Police Academy in Neuchatel in April and October 2007, respectively (cf. section 3.G.).

1D. Switzerland's borders are adequately monitored and immigration regulations are stringent. Switzerland's visa sections in countries of origin inform applicants of "artistic visa" or L-permits about their rights when

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working in Switzerland (cf section 4.I.). Information brochures are available in 16 languages. Some embassies have also displayed respective information on their homepage. Furthermore, Swiss Foreign Affairs Department officials have sensitized visa adjudicators to the problem and have invited NGOs to give training to embassy staff. Furthermore, the leadership of the Swiss Border Guards, the Federal Office for Refugees, and the Federal Office for Migration are all represented on the KSMM to assure the flow of information and the analysis of immigration patterns for evidence of trafficking.

The Swiss Border Guards, an administrative unit of the Federal Department of Finance, cooperate closely with the Federal Office for Migration on issues of asylum and migration. Combating irregular migration and the smuggling of migrants is a priority for the Swiss Border Guards. Border Guard officials receive special training to heighten awareness of human trafficking as part of the normal training program. Members of the Swiss Border Guards took part in the training classes in combating human trafficking held at the Swiss Police Academy in Neuchatel in April and October 2007. Border guards report all suspicious activities to the cantonal police force of the area, which holds sole authority for further criminal investigations. However, in practice it has proven difficult for border guard officials to spot victims of human trafficking because the latter often give only limited information about themselves and commonly do not denounce their traffickers out of fear of reprisals.

The Foreign Ministry (DFA) constantly adjusts measures to combat visa abuse, ensuring that procedures are tailored to local conditions. Since spring 2005 the DFA has taken the following measures: The DFA introduced systematic risk assessments and subjects Swiss missions to comprehensive inspections every four years. Negative assessments or reports of suspicious activities trigger special inspections, as happened during 2006 at the Swiss mission in Islamabad. On allegations of wrongdoing, DFA closely cooperates with the Office of the Attorney General. The DFA has also taken specific organizational measures to reduce the risk of corruption by working through call-centers (e.g. Skopje, Moscow, and Bangkok) or by collecting visa fees through bank transfers to avoid the use of cash in visa sections (Moscow). In some mission,

the facilities have been redesigned to support visa processing and control systems (Tel Aviv, St. Petersburg, Pristina, Prague, and Kiev) or separate visa pavilions built (New Delhi and Colombo). The DFA also puts special importance on raising awareness among visa clerks and their line managers and on their careful screening and preparation for the task in high-risk missions.

¶E. The key office coordinating the anti-trafficking efforts of the various government agencies is the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM), which started operations at the beginning of 2003. Formally a part of the Federal Office of Police, the KSMM processes and passes information and coordinates policy within the federal administration as well as between the federal agencies and the cantons (states). It is also the primary point of contact for international inquiries on all issues linked to illegal migration and human trafficking.

Internationally, Switzerland was one of the initiators of the OSCE Action Plan to Combat Trafficking in Human Beings and has been supporting the OSCE Special Rapporteur since 2000, both financially and with expert secondments. Switzerland has actively participated in the negotiations for the Council of Europe Convention against Trafficking in Human Beings, which requests enhanced cooperation among stakeholders. The federal government has launched a consultation process with the cantonal governments with a view to preparing the way for Switzerland to ratify the ratification the CoE convention. (Under Switzerland's federalist structure the cantons hold authority over the far-reaching victim protection measures and thus have to give their consent).

Switzerland also substantially contributed to the NATO Policy on Combating Trafficking in Human Beings, which was adopted at the Istanbul summit. Switzerland initiated the first seminar to develop a training curriculum for NATO-led forces in September 2004 at the Geneva Center for

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Security Policy in the framework of PfP. On a bilateral basis, an information exchange was initiated in 2004 with Ukraine. The Swiss government organized and financed the visit of an anti-trafficking delegation to Bern. The delegation met with all main governmental and cantonal actors, including NGOs. This visit provided an ideal opportunity to share information on victim protection and prosecution and identify possible areas of closer co-operation.

At the operational level, Switzerland runs bilateral cooperation programs with various countries, and is member of Interpol. Switzerland is active in Interpol's working group against human trafficking and cooperates with the European Police Office (EUROPOL) since September 2004. Parliament approved the ratification of the Swiss-EUROPOL bilateral agreement in 2005. The scope of bilateral cooperation with EUROPOL will cover eight criminal areas, including human trafficking.

¶F. The KSMM seeks to implement the national action plan that its interdepartmental steering committee first adopted in 2003. In keeping with its decentralized structure, the steering committee is the KSMM's highest organ. The steering committee consists of directorate-level representatives of the federal departments involved in combating human trafficking, delegates from cantonal conferences and associations, as well as representatives from three NGOs and international organizations with a consultative status. The Steering Committee sets targets and the guidelines for the KSMM's activities and controls the drafting and implementation of measures. The Steering Committee is chaired by the Federal Office of Police and has convened biannually from 2003 to 2006 and once in

12007.

Specific measures are developed and implemented either by working groups set up for that purpose or by individuals with special support from the KSMM Secretariat. In 2004-2007, the Steering Committee has appointed the following working groups:

- Guidelines "Co-operation Mechanisms against Human Trafficking"
- Report on Measures against the Smuggling of Migrants (deferred in 2006)
- Recommendations on the protection of night club/cabaret dancers
- Assessing possible options to extend/finance specialized counseling of TIP victims
- Development of specialized anti-TIP training and education measures
- Development of measures to prevent and combat the trafficking in minors

The KSMM working group on child trafficking under the leadership of the Foreign Ministry is drafting a policy paper on the prevention of trafficking in children. The working group has so far evaluated measures to prevent child trafficking in the visa-issuance process and continues to evaluate measures for the protection of victims. On the domestic front, the working group consulted with NGO/IOs specializing in the area of children's rights. UNICEF Switzerland in October 2007 published a report which concluded that child trafficking in Switzerland was limited to a few isolated cases, a fact corroborated by victims' assistance statistics of the Zurich NGO FIZ. For the year 2006, FIZ documented approximately 10 cases of trafficking of minors under 18 years of age.

13G. The government has taken multiple steps during the reporting period to inform and educate the public about the causes and consequences of severe forms of trafficking in persons. In view of the upcoming European Soccer Cup, the government has appropriated \$96,000 (100,000 Swiss francs) to kick-start public awareness campaigns against trafficking and forced prostitution. The anti-TIP NGO FIZ is running the campaign in cooperation with partner organizations. The goal of the FIZ campaign is to raise awareness among the visitors of the EURO 08 and the general public of the extent and the consequences of trafficking in women. The FIZ campaign will also target the customers of commercial sexual services, calling on them to help potential victims of trafficking get access to aid organizations. In February 2008, a Moldovan theatre group toured Switzerland with its play "A saptea

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Kafana - the seventh Coffeehouse", which is meant to increase public awareness of human trafficking. The theatre group was hosted by IOM Switzerland and the Swiss Ministry of Foreign Affairs.

As a country with legalized prostitution, authorities have intensified efforts to proactively identify TIP victims among workers in the legalized sex trade. The roundtable co-operation mechanisms in cantons between law enforcement and migration authorities and NGOs have raised TIP awareness. Police have intensified regular checks of commercial sex establishments for the purpose of identifying potential TIP victims and of apprehending and prosecuting those who organize trafficking in women and profit from illegal prostitution. Some police departments have engaged additional police officers to perform more on-site inspections (cf. section 4.E.).

The Swiss tourism industry under the leadership of the NGO ECPAT has established a code of conduct to combat child sex tourism. The Federal Criminal Police is cooperating with the framers of the code to establish a mechanism to

allow travel agents to tip off law enforcement bodies in order to apprehend and prosecute tourists who have sexual contacts with minors (cf. Section 5.H.) Swiss domestic laws on sexual contact with minors apply universally and there have been prosecutions of individuals in Switzerland for child sexual abuse committed abroad (cf. Section 3.M.).

Switzerland pursues a zero-tolerance policy regarding sexual exploitation by personnel serving in international peace-keeping missions. All civil and military persons serving in peace-keeping missions are subject to the Code of Conduct of the UN (and/or NATO-PfP respectively) and undergo specific awareness raising training before deployment. Compliance is closely monitored and abuses punished (cf. section 5.I.).

¶H. ECPAT Switzerland has elaborated a code of conduct to combat the sexual exploitation of children in tourism. The code of conduct commits travel agencies and other businesses in the tourism industry to corporate social responsibility and holds them publicly accountable. The code of conduct stipulates the following commitments:

- Adopt an ethical business policy to combat the commercial exploitation of children
- Training of staff both in the country of origin as well as at the travel destinations
- Introduce clauses in contracts with suppliers and partners that generally condemn the sexual exploitation of children
- Raise awareness and provide information to travelers
- Provide information to local "key personalities" at the travel destinations
- Annual accountability reports and continuous monitoring by the local representative (ECPAT Switzerland)

A number of Swiss travel agencies, including the two major players Globetrotter and Hotelplan, have signed on to the ECPAT code of conduct. The plan is to set up mechanism to allow travel agents to tip off law enforcement bodies about suspicious activities. The Federal Criminal Police is involved in the consultation process to establish such a mechanism.

¶I. Switzerland pursues a zero-tolerance policy regarding sexual exploitation by personnel serving in international peace-keeping missions. It lobbied multilateral bodies to adopt a zero-tolerance policy and has itself adopted this policy in its National Action Plan to implement UN Security Council Resolution 1325 (which the GOS adopted on January 31, 2007) All civil and military persons serving in peace-keeping missions are subject to the Code of Conduct of the UN (and/or NATO-PfP respectively). Specific Swiss government training modules discuss the problem of human trafficking and the vulnerability of women to sexual abuse in armed conflicts - including also by international peacekeepers. At the duty station, establishments associated with commercial sex are designated off-limits to staff deployed on peace-keeping missions. Compliance with this regulation is monitored by Swiss military policing units on the ground and violations are punished. There have been no reports of serious misconduct of Swiss civilian or military staff deployed on

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international peace-keeping missions.

End of draft TIP report for Switzerland.

Coneway